

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 05, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER LEE S.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:21-CV-03087-SAB

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 13. The motion was considered without oral argument. Plaintiff is represented by D. James Tree; Defendant is represented by Danielle R. Mroczek and Timothy Durkin.

The parties stipulate that the above-captioned case be reversed and remanded for further administrative proceedings. They stipulate that on remand, the administrative law judge (ALJ) will offer Plaintiff the opportunity for a hearing; consider the new evidence submitted to the Appeals Council; send the claimant to an updated consultative examination; if necessary, obtain medical expert evidence; further evaluate the claimant's residual functional capacity; further evaluate the claimant's subjective complaints; and issue a new decision.

They further stipulate that the remand be made pursuant to sentence four of 42 U.S.C. § 405(g), and that Plaintiff will be entitled to reasonable attorney fees

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1 and expenses pursuant to 28 U.S.C. § 2412, and costs pursuant to 28 U.S.C. §
2 1920, upon proper request to the Court.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The parties' Stipulated Motion for Remand, ECF No. 13, is
5 **GRANTED.**

6 2. The above-captioned case is **REVERSED** and **REMANDED** for
7 further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

8 3. On remand, the administrative law judge (ALJ) will offer the claimant
9 the opportunity for a hearing; consider the new evidence submitted to the Appeals
10 Council; send the claimant to an updated consultative examination; if necessary,
11 obtain medical expert evidence; further evaluate the claimant's residual functional
12 capacity; further evaluate the claimant's subjective complaints; and issue a new
13 decision.

14 4. Plaintiff is entitled to reasonable attorney fees and expenses pursuant
15 to 28 U.S.C. § 2412, and costs pursuant to 28 U.S.C. § 1920, upon proper request
16 to this Court.

17 5. The District Court Executive is directed to enter judgment in favor of
18 Plaintiff and against Defendant.

19 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to file
20 this Order, provide copies to counsel, and close the file.

21 **DATED** this 5th day of April 2022.



26 

27 Stanley A. Bastian
28 Chief United States District Judge